

HOPKINS & SUTTER

(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)

888 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20006 (202) 835-8000
FAX (202) 835-8136

CHICAGO OFFICE THREE FIRST NATIONAL PLAZA 60602
DALLAS OFFICE 3700 BANK ONE CENTER 1717 MAIN STREET 75201

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OCT 21 1992

Federal Communications Commission
Office of the Secretary

NEAL M. GOLDBERG
(202) 835-8064

October 21, 1992

BY HAND

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: ET Docket No. 92-152

Revision of Part 15 of the Rules to harmonize
the standards for digital devices with international standards.

Dear Ms. Searcy:

On behalf of Tandy Corporation, we are hereby filing an original and nine copies of its Comments in the above-captioned rulemaking proceeding.

Kindly date stamp the extra copies of the filing and this letter for return to my office via Messenger. If any questions arise, please contact the undersigned at 835-8064, or Richard Arsenault at 835-8010.

Sincerely,



Neal M. Goldberg

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 21 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Revision of Part 15) ET Docket No. 92-152
of the Rules to harmonize)
the standards for digital)
devices with international standards.)

To: The Commission

COMMENTS OF TANDY CORPORATION

Tandy Corporation ("Tandy"), by its attorneys and pursuant to the Commission's Notice of Proposed Rule Making ("Notice") released July 30, 1992,¹ hereby respectfully submits its Comments in the above-captioned matter.

I. INTRODUCTION

This proceeding proposes adoption of new Commission rules which would permit manufacturers of digital devices to demonstrate compliance with either FCC requirements (under Part 15 of the Commission's Rules) or international standards (in Publication 22 of the International Special Committee on Radio Interference ("CISPR 22"))² for radio frequency emissions. Tandy manufactures and sells a wide variety of digital devices, including personal computers and

¹ Notice of Proposed Rule Making, ET Docket No. 92-152, 7 FCC Rcd 4872 (1992).

² International Special Committee on Radio Interference, International Electrotechnical Commission, Publication 22, Limits and Methods of Measurement of Radio Interference Characteristics of Information Technology Equipment.

calculators,³ which are marketed both in the United States and in foreign countries. Through more than 7,000 Radio Shack, Tandy Computer Center and other affiliated stores, Tandy is the world's largest retail distributor of consumer electronics products. Tandy's subsidiary, GRiD Systems Corporation, manufactures a full line of computer products which are marketed in the United States and overseas. Accordingly, Tandy has a significant interest in this proceeding. As discussed below, Tandy strongly supports the Commission's proposal.

II. THE PROPOSED RULES ARE IN THE PUBLIC INTEREST AND SHOULD BE ADOPTED

A. The Commission's Proposal

The Commission's proposal addresses a problem of significant concern to U.S. manufacturers of digital devices such as Tandy and, by extension, to the purchasing public. Currently, because digital devices are "unintentional radiators" which produce radio frequency emissions, they must meet FCC standards before they are marketed in this country. These recently revised standards are found in Part 15 (47 C.F.R. §§ 15.107-15.117) of the Commission's Rules.

As the Commission recognizes in its Notice however, Part 15 standards apply only to products to be marketed or sold in the United States. Notice at para. 1. Digital devices, particularly computers, which are to be marketed and sold aboard, must meet different (generally more stringent) standards imposed

³ See 47 C.F.R. §§ 15.3(i) & 15.3(s) (definitions of digital devices and personal computers, respectively).

by the countries in which they will be sold. As a general rule, these standards are found in CISPR 22 which governs limits and measurements for "Information Technology Equipment" -- essentially the same equipment the FCC defines as digital devices. Members of the European Community in particular require digital devices to comply with CISPR 22 standards. See Notice at para. 3.

Manufacturers, such as Tandy, who market and sell computers and other digital devices in the United States and abroad, currently must comply with both Part 15 and CISPR 22 standards for those products. In most cases, the CISPR 22 standards are more stringent than those found in Part 15. In this Notice, the Commission has recognized that the harmonization of Part 15 and CISPR 22 standards would "reduce design and testing burdens and costs" for members of the computer industry who have developed multinational markets.⁴ Notice at para. 4.

Under the Commission's proposal, demonstration of compliance with either Part 15 or CISPR 22 standards would be permitted, except for products with RF emissions above 1000 MHz which will remain subject to existing FCC limits. "Intermixing between FCC standards and the CISPR standards will not

⁴ The Commission also sought comment on a proposal to amend Part 15 to reflect the 13 db relaxation of the emissions limits for broadband emissions conducted onto AC power lines that is specified in the Commission's measurement procedures. Tandy supports this proposal for the reasons stated in the Notice and for the reasons Tandy has stated in consistently urging the Commission to include its emissions measurement standards in its regulations -- and not only in its measurement procedures. See e.g., Comments of Tandy Corporation in GEN Docket No. 89-44, Procedure for Measuring Electromagnetic Emissions From Digital Devices, filed May 7, 1991 (ANSI C63.4-1991 standards).

be permitted." Notice at para. 10.⁵

B. The Public Interest Benefits of the Proposal

The Commission's proposal in this docket is a realistic approach to a matter of growing concern to manufacturers of digital devices which are intended for sale both in this country and abroad. Tandy strongly supports the proposal in the Notice and believes it will have significant public interest benefits -- to individual manufacturers, to the purchasing public, and to our economy as a whole. Adoption of the proposed rules would benefit U.S. manufacturers of digital devices who market overseas or who seek to penetrate foreign markets.⁶ Allowing U.S. manufacturers to satisfy CISPR 22 standards for computers and other digital devices would eliminate redundant (and frequently expensive) tests for products marketed concurrently in the United States and overseas.

Perhaps even more significant would be the savings in design and engineering costs for new products -- products which now must be designed and tested to comply with two sets of standards if they are to be sold in foreign

⁵ The Notice also notes: "To ensure that future amendments to CISPR Pub. 22 do not change the standards applicable to digital devices marketed in the U.S. without notice and comment required through rule making, we propose to reference a specific CISPR Pub. 22 edition and specific amendments, if appropriate." Notice at n.17. For the reasons stated in these Comments, Tandy opposes this part of the Commission's proposal.

⁶ Tandy has consistently supported harmonization of U.S. standards with international standards. In 1989, Tandy urged the Commission to conform its procedures for measuring emissions from digital devices with CISPR 22. See Comments of Tandy Corporation in GEN Docket No. 89-44, Procedure for Measuring Electromagnetic Emissions From Digital Devices, filed July 7, 1989, at 19. More recently, in the same proceeding, Tandy supported the Commission's proposal to adopt ANSI testing procedures noting that "ANSI C63.4-1991 represents a significant step towards international standardization of emissions measurements, an objective that Tandy strongly favors." Comments of Tandy Corporation, filed May 7, 1991, at 3.

markets as well as in the United States. Together, these benefits would greatly enhance the ability of U.S. manufacturers to compete in global markets. In fact, the potential reduction in product design and testing costs as a result of the FCC's proposal may assist a number of smaller manufacturers to enter foreign markets that they were previously precluded from entering because of cost considerations. These developments, in turn, cannot but help improve this nation's position in the global economy and, by extension, affect our domestic economy for the better. Moreover, savings from lower engineering and testing costs would accrue to U.S. consumers. Therefore, Tandy supports adoption of the proposed rules as soon as practicable.⁷

In addition to cost savings for U.S. manufacturers and consumers, the approach proposed by the Commission will facilitate fair and effective competition in the international marketplace. For example, since many European Community ("EC") members require digital devices to comply with CISPR 22, permitting U.S. manufacturers to demonstrate compliance with the same standard would enhance their ability to compete fairly in EC markets (as well as in the U.S. market). As noted above, it may even foster entry of new smaller U.S. companies into the international marketplace. Significantly, by providing manufacturers with a choice of complying with either set of standards, the rules would not disadvantage manufacturers who choose to market only in the United States. Therefore, with the safeguards proposed in the Notice, there should be no adverse effect on the U.S. market.

⁷ Tandy commends the Commission's proposal to harmonize standards for digital devices and believes it is consonant with the Commission's efforts to revise Part 15 to establish uniform standards. See e.g., GEN Docket No. 87-389, First Report and Order, 4 FCC Rcd 3493 (1989).

**C. The FCC's Interference Objectives
will be Satisfied by the Proposal**

The Commission's interference objectives will be met by the proposal in this Notice. Almost without exception, CISPR 22 standards are more stringent than the FCC's Part 15 rules. See Notice at para. 7 n.12. As such, designs meeting the more stringent CISPR 22 standards would generally preclude any harmful effects in the vast majority of frequencies having less stringent requirements under the Part 15 Rules. Indeed, equipment meeting the more stringent CISPR 22 standards should result in less interference than that subject only to Part 15.

Tandy agrees with the Commission that substitution (in the FCC's Rules) of the CISPR 22 general emission standards for the more liberal Part 15 standards is unnecessary to reduce interference, provided the FCC's proposal in the Notice is adopted. See Notice at para. 9. Adoption now of the more stringent CISPR 22 standards as the sole U.S. standards would exact an economic penalty on numerous manufacturers who do not market abroad and who have designed their products in reliance on Part 15. Ultimately, U.S. consumers would bear the additional costs without gaining any significant reduction in interference.

On the other hand, adoption of the proposal in the Notice -- harmonizing the CISPR 22 and Part 15 standards, permitting compliance with either -- is the most equitable solution to a real problem for many manufacturers. However, if the FCC rejects its primary proposal (i.e., permitting compliance with either CISPR 22 or Part 15 standards), it should adopt CISPR 22 standards and not the current Part 15 requirements, to achieve the public interest goals set out in the Notice. Adopting CISPR 22 rather than Part 15 standards would at least permit

U.S. manufacturers to compete on a "level playing field" with foreign competitors.

Tandy supports the Commission's proposal concerning products requiring demonstration of compliance above 1000 MHz. See Notice at paras. 10 & 11. For such products, Part 15 limits should apply until CISPR 22 is amended to specify limits above 1000 MHz. However, Tandy opposes the adoption of any requirement to generate two different reports, change test setups, and the like, to demonstrate compliance for products with RF emissions above and below 1000 MHz. Using two different procedures to reach the same end would be a misapplication of private (and FCC) resources and would be cost ineffective. Tandy believes that manufacturers can continue to employ procedures they now use to generate CISPR 22 test data while applying the Part 15 limits for emissions above 1000 MHz. Only under these narrow circumstances does Tandy support "intermixing" of the two standards.

For emissions below 1000 MHz, Tandy believes that intermixing would serve no beneficial purpose and agrees with the Commission that it should not be permitted. See Notice at para. 10 n.15. Plainly, for emissions below 1000 MHz, intermixing of standards would reduce the overall interference protection afforded the public and would not be in the public interest. Some manufacturers who market only in the United States could mix the less stringent requirements, not only undercutting competitors who comply with the more stringent requirements, but more importantly, resulting in "noisier" equipment.

D. The Commission Should Promptly Permit Compliance with CISPR 22 Standards Without Reference to a Particular Edition

The Commission should adopt the proposed rules at the earliest practicable time in order to achieve the greatest benefits for U.S. manufacturers and consumers. Waiting for amendments, if any, to CISPR 22 -- amendments which could be months, if not years, away -- would only add to the additional design and testing costs that U.S. manufacturers and consumers now shoulder in meeting both sets of standards. There is no public interest reason to postpone the proposed rules until amendments to CISPR 22 are enacted. Today's CISPR 22 standards -- with few exceptions -- are more stringent than the Part 15 requirements. It is unlikely that future amendments would generally lower the limits below those of Part 15. In fact, amendments now under consideration by the International Electrotechnical Commission concern more stringent requirements than those now in CISPR 22. See Notice at n.17.

Similarly, Tandy cannot support the FCC proposal to adopt a specific edition of CISPR 22 and specific amendments as the alternative standard to Part 15. See Notice at n.17. If that proposal is adopted it would negate virtually all of the benefits to be derived from the Commission's basic proposal to harmonize CISPR 22 and Part 15 standards. The essential reason for permitting compliance with either set of standards is to obviate the need for U.S. manufacturers who sell products in foreign markets to meet two different RF standards, reducing the cost attendant thereto and providing a level playing field for U.S. manufacturers. However, if only the current CISPR 22 standards (as set forth in a specific edition and amendments) are codified in the FCC rules as acceptable standards, U.S. manufacturers would be in the same position they are in now if these standards

were changed: they would have to comply with the Part 15 standards or the CISPR standards adopted by the FCC in this proceeding for their products to be sold in the United States, and they would need to meet the "new" CISPR 22 standards (not those incorporated in the FCC rules by this proceeding) to sell their products overseas. Under these circumstances, the very costs and competitive burdens which gave rise to the Notice will once again be shouldered by U.S. manufacturers and consumers, unless and until the FCC rules are amended to reflect the new CISPR 22 standards.

As a general rule, Tandy believes that specific emission standards should be incorporated directly into the Commission's Rules.⁸ However, to codify the current CISPR 22 standards in the manner proposed would defeat the very rationale upon which the Notice is founded. Accordingly, the Commission should permit compliance with the prevailing CISPR 22 standards as an alternative to Part 15 compliance.

III. INITIAL REGULATORY FLEXIBILITY ANALYSIS

Since the proposal would permit compliance with either current Part 15 or CISPR 22 standards, U.S. manufacturers (whether large or small) who do not market abroad and who therefore now comply with Part 15, would suffer no negative impact. As noted above, harmonization of standards for digital devices may facilitate the entry of small businesses into the global marketplace,

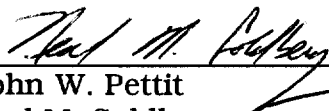
⁸ For example, in its comments on the adoption of ANSI standards, Tandy stated "it is absolutely necessary that the Commission incorporate into its rules those standards manuals specifically referenced in ANSI C63.4-1991 and which constitute a part of ANSI." Comments of Tandy Corporation in GEN Docket No. 89-44, Procedure for Measuring Electromagnetic Emissions From Digital Devices, filed May 7, 1991, at 3.

particularly EC markets where CISPR 22 is the standard. Indeed, the reduction in design and testing costs resulting from the proposal could very well be the impetus for the entry of smaller U.S. businesses into foreign markets.

IV. CONCLUSION

In sum, Tandy strongly supports, and urges expeditious adoption of, the Commission's proposed rules to permit manufacturers of digital devices to either comply with Part 15 or CISPR 22 standards. Tandy urges modification of the Commission's proposal to codify a specific edition of, and amendments to, CISPR 22 and it suggests adoption of the conducted emissions standards in the FCC's Rules.

Respectfully submitted,



John W. Pettit
Neal M. Goldberg

HOPKINS & SUTTER
888 Sixteenth Street, N.W
Washington, D.C. 20006
202-835-8000

October 21, 1992

Counsel for Tandy Corporation